

**PIETRAGALLO**  
PIETRAGALLO GORDON ALFANO  
BOSICK & RASPANTI, LLP  
ATTORNEYS AT LAW

1818 MARKET STREET SUITE 3402 PHILADELPHIA, PA 19103  
215.320.6200 FAX: 215.981.0082  
WWW.PIETRAGALLO.COM

DIRECT DIAL NO.: 215.988.1442  
DIRECT FAX DIAL NO.: 215.754.5172  
FILE NO.: WP-106408  
E-MAIL: KER@Pietragallo.com

December 17, 2018

**VIA ELECTRONIC CASE FILING**

The Honorable Mark A. Kearney  
United States District Court Judge  
Room 6613  
James A. Byrne U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *Rougvie, et al. v. Ascena Retail Group, Inc., et al.*, No. 2:15-cv-00724  
Clarification of the Court's Order dated December 13, 2018

Dear Judge Kearney:

I write on behalf of Class Counsel in the above-captioned matter. Class Counsel respectfully requests clarification of the Court's Order of December 13, 2018 (Dkt. 357). That Order required, *inter alia*, that:

3. No later than December 21, 2018, Class members and Objector Appellants Gretchen Carey, Michelle Vullings, Manda Hipshire, Vicki Mager and Melissa Schultz (the subjects to the Comlish Objectors' May 12, 2017 Motion (ECF Doc. No. 263)) and Class counsel shall file memoranda not exceeding five pages disclosing the specific terms of agreements resulting in the dismissal of the Objector Appellants' appeals to the United States Court of Appeals under our inherent power of supervising class action settlements and remaining concerned with payments made to these class members who filed appeals but then withdrew them for a payment by an undisclosed source and with no presently stated benefit to the Class other than returning the case to our jurisdiction to proceed to distribution.

Dkt. 357.

December 17, 2018

Page 2

Class Counsel notes that the term “Objector Appellants” is used initially in relation only to objectors Gretchen Carey, Michelle Vullings, Manda Hipshire, and Vicki Mager and Melissa Schultz. However, Class Counsel recognizes that the term “Objector Appellants” is used without specific reference to those individuals with respect to the requirement that Class Counsel “file memoranda not exceeding five pages disclosing the specific terms of agreements resulting in the dismissal of the Objector Appellants’ appeals to the United States Court of Appeals.” In addition, paragraph 5 of the Court’s Order requires service “upon every Objector Appellant and her named counsel who withdrew their appeals under an agreement...”<sup>1</sup> Given the potential for ambiguity, Class Counsel respectfully requests clarification as to whether their memorandum should include any settlement with Objector Appellant Kelsey Foligno<sup>2</sup> or address only any settlements with Objectors Gretchen Carey, Michelle Vullings, Manda Hipshire, and Vicki Mager and Melissa Schultz.

Respectfully submitted,



KEVIN E. RAPHAEL  
PIETRAGALLO GORDON ALFANO  
BOSICK & RASPANTI, LLP  
1818 Market St., Suite 3402  
Philadelphia, PA 19103  
*Attorneys for Plaintiffs*

cc (via email):

William Pietragallo, II, Esq.  
Anthony Coyne, Esq.  
Ernest Mansour, Esq.  
Edward Westlow, Esq.  
Gregory Parks, Esq.  
Adam Schulman, Esq.  
Nicole T. Fiorelli, Esq.  
Christopher Cain, Esq.  
George Cochran, Esq.  
Christopher Bandas, Esq.  
Brent Vullings, Esq.

---

<sup>1</sup> Since all Objector Appellants are represented, and in the past we have served only the attorneys, Class Counsel effected service on all the Objector Appellants’ attorneys and wanted to insure that this was adequate under the Court’s Order.

<sup>2</sup> The Comlish Objectors have stated that they are not seeking disgorgement from Ms. Foligno. Comlish Objectors’ Intervention Reply Brief, Dkt. 283, p. 1 n. 1.